



FAIRBANKS DIVERSITY COUNCIL
REGULAR MEETING AGENDA
JANUARY 12, 2021, 5:30 – 7:00 P.M.
HELD VIA TELECONFERENCE AND AT
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The City of Fairbanks recognizes that our community is a diverse one, with a wide variety of ethnic backgrounds, cultures, beliefs and orientations and recognizes this diversity as an asset and resource for our community. The establishment of a Fairbanks Diversity Council can provide the City Council and Fairbanks North Star Borough Assembly with advice and recommendations to promote equal opportunity for all members of the public.

1. CALL TO ORDER & READING OF THE FDC MISSION STATEMENT
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. CITIZENS' COMMENTS (Limited to 3 Minutes)
6. MAYOR & CITY STAFF REPORTS
 - a) Update on Police Chief Hiring Process
7. APPROVAL OF PREVIOUS MINUTES
 - a) Regular Meeting Minutes of December 8, 2020
8. UNFINISHED BUSINESS
9. NEW BUSINESS
 - a) Open Meetings Act Overview
10. FDC MEMBERS' COMMENTS
11. MEETING DATES
 - a) Next Regular Meeting Date, February 9, 2021
12. ADJOURNMENT



FAIRBANKS DIVERSITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 8, 2020, 5:30 – 7:00 P.M.
HELD VIA TELECONFERENCE AND AT
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Fairbanks Diversity Council** (FDC) convened at 5:32 p.m. on the above date to conduct a Regular Meeting via Zoom Webinar and at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding (via Zoom) and with the following members in attendance [Z = Zoom; P = In Person]:

Members Present: (Z) Kennita Williams, Seat A (Z) Doug Toelle, Seat J
 (Z) Robert Dorton, Seat B (Z) Sara Harriger, Seat K
 (Z) Juanita Webb, Seat D (P) Angela Foster-Snow, HR Dir.
 (Z) Andrew Aquino, Seat G (Z) June Rogers, Councilmember

Members Absent: Jose Martinez II, Seat C Vacant, Seat H
 Shelissa Thomas, Seat E Kelvin Lee, Seat I
 Rita Davis, Seat F

Also Present: (P) Mike Meeks, Chief of Staff (P) D. Danyielle Snider, City Clerk
 (P) Rick Sweet, Acting Police Chief

CALL TO ORDER & READING OF THE FDC MISSION STATEMENT

Chair Matherly called the meeting to order and read the FDC Mission Statement.

PLEDGE OF ALLEGIANCE

Chair Matherly led everyone in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Dorton, seconded by **Mr. Aquino**, moved to APPROVE the Agenda.

Hearing no objection, the Agenda was APPROVED.

CITIZENS' COMMENTS (Limited to 3 Minutes)

Clerk Snider stated that there are no citizens in the Council Chambers, and no one submitted written comments in advance. An opportunity was provided for citizens to comment via Zoom, and no citizens wished to provide comments.

MAYOR & CITY STAFF REPORTS

Chair Matherly stated that a Coronavirus vaccine is on the way and that he and City staff are monitoring the situation closely. He shared that the City Council will finalize the City's 2021 budget on Monday, December 14. He spoke to the City's efforts to make accommodations for employees during the pandemic and to the great job City staff did with CARES Act funding. **Chair Matherly**

spoke briefly to snow removal efforts by the Public Works Department and commended them for a job well done. He thanked FDC members for their dedication to the City and for the work they have done. **Chair Matherly** expressed excitement for the new year, and he stated that eventually the pandemic will subside and case levels will decrease. He encouraged everyone to continue to wear masks. He stated there was a good article in the News Miner over the weekend about the Fairbanks Emergency Communications Center (FECC, Dispatch), and he invited FDC members to spread the word about the job opportunities at FECC. **Chair Matherly** asked Acting Police Chief Sweet if he had anything to report.

AC Sweet updated the FDC on the Fairbanks Police Department (FPD) training plan they were previously briefed about. He reported that officers completed verbal judo training in July and implicit bias training in October. He stated are moving forward with de-escalation and force mitigation web-based training in December. He stated that another training FPD plans to participate in is called “Legally Justified but Is it Avoidable?” AC Sweet stated he wants officers to start thinking ahead, especially when dealing with situations involving individuals with mental health issues. He stated that in the coming year, FPD has planned to participate in: cultural awareness training, duty-to-intervene web-based training, and training on how to deal with situations involving individuals experiencing post-traumatic stress disorder (PTSD). He stated FPD is moving forward with his plan to increase the department’s options regarding less lethal force, and equipment and training is a vital part of that. AC Sweet explained that FPD has lost a lot of officers who were trained as instructors for critical liability asset for officers training and control tactics training. He reported they are currently working on getting more officers trained as instructors. He stated officers will soon be participating in the PepperBall gun instruction course and a less lethal shotgun instruction course. He reported that he has been attending a “Missing and Murdered Indigenous Persons” working group for the past three months. He stated FPD has purchased two new drones, one with infrared capability for search and rescue, and the other is a crash scene reconstruction drone with a better camera which is able to map. He stated the department does not currently have a K-9 program, and the drones will also be useful in helping other law enforcement agencies with search and rescue efforts. He clarified that the drones are not for flying around to spy on people. AC Sweet stated that in November, he went through a “shoot, no shoot” interactive, virtual demo, and FPD is seeking a vendor to move forward with the training.

Chair Matherly asked AC Sweet to speak about the grant opportunity the City Council recently considered. AC Sweet stated that they are looking at moving forward with the Crisis Now Working Group which makes clinicians available to both Dispatch and FPD to help with situations where people are in a mental health or other crisis. He explained that the grant is for \$300,000 paid over 3 years, and it will help pay for FPD/FECC access to mental health professionals. AC Sweet explained that when officers have contact with someone experiencing a mental health crisis, it is hard for the officers to walk away when the person needs help. He stated that officers’ time is limited, and it would be nice to turn those situations over to a mental health professional. He stated that Mayor Matherly has been on board with the grant request from the beginning, and he expressed hope that the City would be successful in receiving the grant funds.

Chair Matherly stated that the City will continue to open training opportunities up to others whenever possible.

Mr. Dorton stated that he has been an advocate for the Crisis Now program. He stated that on January 1, they will begin rolling out the Peer Support certifications. He shared that the Alaska Mental HealthTrust (AMHT) will be working with the 1115 Waiver, and he suggested that it may be another

funding source to help the City with the Crisis Now program. He stated they are days away from having the certification application available at DHSS.gov. He commented that many people in Fairbanks are already trained, and he stated that Peer Support is excited to assist FPD in any way.

Mr. Aquino thanked AC Sweet for all the information. He acknowledged the challenges AC Sweet must be facing acting as Interim Chief.

Ms. Williams thanked AC Sweet for stepping in and doing a great job. She stated that the implicit bias training was really good, and she looks forward to participating in other trainings that may be offered.

Mr. Toelle, in regard to the training that was discussed, emphasized the importance of experience and interaction with the folks the training is about. He suggested involvement with the various disability, peer support, and mental health groups in Fairbanks.

Ms. Webb thanked AC Sweet for the updates and for the direction in which he is moving FPD. She shared that she is a part of WallBusters, a local advocacy group who helped get a bill passed regarding officer training in the areas of disabilities and mental health. She expressed appreciation for AC Sweet's efforts.

Ms. Harriger asked AC Sweet about the process by which he selects the various trainings. She also asked whether he is finding options that meet all his criteria. AC Sweet stated they looked for training that was available immediately. He stated it is also important to have buy-in from officers. He reported that they found Calibre Press, an organization that provides training nationwide. He stated that bringing instructors in to do in-person training is expensive. He spoke to the importance of relevancy when it comes to training and to the need for ongoing training. He indicated that he would like FPD to work together with the FDC, and he spoke to the value of different perspectives. AC Sweet spoke to the challenges officers face in making quick decisions, and he stated the goal is to get officers to react better. He stated it can be hard for young or single officers to empathize in certain situations when they do not have families of their own. He spoke to the young work force at FPD and stated that there are not many senior officers remaining to mentor the younger ones. He stated, however, that it is good to have new officers starting with a blank canvas. **Ms. Harriger** spoke to the value of incorporating a local, historical perspective into training. She stated she would be interested in learning more about how the trainings have been customized to fit FPD's needs.

Ms. Rogers spoke about perception, and she used herself as an example. She stated she does not have steady balance when she walks, and some may perceive her to be under the influence although she does not drink alcohol. She commended Mr. Dorton for his contributions in the community and thanked him for his work. She thanked everyone for a good meeting.

Ms. Foster-Snow stated she is proud to say the City hired six new dispatchers, and they are in the academy this week. She stated that the FECC manager is coordinating the training. She shared that the Fairbanks Fire Department (FFD) did some promotional interviews last week, and there will be two driver positions and two captain positions opening up. She explained the process by which top candidates are selected. She stated that she is always impressed with the motivation and professionalism of the department. **Ms. Foster-Snow** shared that she has hired a new assistant in her office, Kim Duquette. She stated that Ms. Duquette had worked in the City Building Department for some years, then left the City for a short time to work in Behavioral Health at Fairbanks Native

Association (FNA), then recently returned to the City of Fairbanks. She spoke highly of Ms. Duquette and invited folks to stop by to meet her.

Clerk Snider shared that she also recently hired a new staff member, Deputy City Clerk Rochelle Rodak. She stated that Ms. Rodak would be filling in in the Clerk's absence.

Chair Matherly talked briefly about how Anchorage has struggled with public meetings and have even barred people from participating meetings. He commended City staff for the smooth operation of Fairbanks government.

APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of November 10, 2020

Ms. Harriger, seconded by **Mr. Toelle**, moved to APPROVE the meeting minutes.

Hearing no objections or proposed changes, the minutes were APPROVED.

DIVERSITY TOPIC OF THE MONTH

- a) Police Chief Hiring Panel Questions

Chair Matherly stated that he has decided to appoint Mr. Andrew Aquino to the Police Chief hiring committee. He stated that Mr. Aquino was nominated multiple times, and he spoke highly of him. He asked Mr. Aquino if he would accept. **Mr. Aquino** accepted the appointment happily, and he stated he has drafted some interview questions to submit. No members objected to the appointment of Mr. Aquino to the hiring panel.

Ms. Foster-Snow clarified that, at this point, the City is only seeking submissions of panel questions from the FDC – not selecting questions at this time. Chief of Staff Mike Meeks stated he is concerned that if they discuss any panel questions may disadvantage any potential candidate not listening to the meeting. **Chair Matherly** stated he planned to provide the FDC with the list of questions from last year and request that they review it and come up with new questions to submit for the current process. **Ms. Foster-Snow** agreed that that is the intent, and she explained that the Mayor will choose the final questions from the list of submissions. She stated that City Attorney Paul Ewers will be the mediator at the forum, and he will ask the questions. She stated that the final questions should remain behind the scenes until the time of the public forum. She stated that the position will open internally on December 14 for five days, which is a contractual obligation of the City. She stated that the Mayor will review internal applications over the holiday, then staff will get the Mayor's direction on whether to interview internal candidates or open it up externally. **Ms. Foster-Snow** stated that the committee will begin formal conversations in January, and, if they choose to go through two separate rounds of interviews, the process could continue into February. She explained that if the position eventually opens externally, it will be open externally for 10 days. She stated the goal is to have a Police Chief hired by March 1. **Chair Matherly** asked Ms. Foster-Snow to go over the various communities and groups represented on the hiring panel: homeless and military, mental health community, FDC, NAACP, Native leadership, Chamber of Commerce/business owners, law enforcement, District Attorney's Office, and Interior Alaska Center for Non-Violent Living.

Mr. Aquino commended the City for creating an inclusive and equitable process.

Chair Matherly stated that he cannot have every community and group represented on the panel because it would be too large. He stated that if each panelist represents more than one community or backgrounds, that helps with the diversity of the panel. He encouraged FDC members to consider drafting some questions for submittal.

Ms. Foster-Snow stated that the administration values the concerns and challenges of different parts of the community FDC members represent. She encouraged members to contact her even if they do not have a question and just a concern. She stated they want the candidates to be challenged, and she looks forward to seeing the insight of FDC members.

Mr. Aquino invited members to speak with him about their concerns, and he could share those concerns with the panel. **Chair Matherly** encouraged that Mr. Aquino be the conduit for the concerns and questions of FDC members.

Ms. Foster-Snow stated that because of Open Meetings Act (OMA), it should not be handled that way. She stated that members may speak with Mr. Aquino about the development of questions or how to address community concerns, but all questions should be submitted directly to the administration. **Chair Matherly** stated that Ms. Foster-Snow is correct, and he misspoke.

Ms. Rogers stated that Mr. Aquino could speak one-on-one with other FDC members. She cautioned on communications that could become a serial meeting.

Chair Matherly asked Ms. Foster-Snow or Clerk Snider to communicate with Mr. Aquino to give guidance regarding the OMA.

UNFINISHED BUSINESS

- a) Appointment of FDC Nominee to Chief of Police Hiring Panel

This agenda item was discussed above under Diversity Topic of the Month.

FDC MEMBERS' COMMENTS

Ms. Harriger stated the FDC had great discussion at the meeting. She stated that she missed the last meeting but shared that there is new leadership at Tanana Chiefs Conference (TCC); she stated the FDC should reach out to them. She highlighted upcoming events at the Morris Thompson Cultural and Visitors Center and stated there is more information posted on their Facebook page.

Mr. Toelle stated he had no comments.

Ms. Webb expressed appreciation for AC Sweet's update. She also thanked City staff who work behind the scenes with the FDC.

Ms. Rogers stated that there were good comments all around, and it was a great meeting.

Mr. Dorton stated that there have been reports that the man who recently went missing never had a drug or alcohol problem. He stated that the Native community is in a panic right now, and they fear

there is a serial killer in the community killing Native people. He stated that if there is anything AC Sweet can provide him to take back to the Native community, it would be appreciated.

AC Sweet stated that reporting any contacts he may have had or any potential places he may have been would help. He stated that it would be helpful to know of any of his friends or family in the area. He stated that the case is being coordinated with the Alaska State Troopers (AST), and the missing man is in the Alaska Public Safety Information Network (APSIN) and in the National Crime Information Center (NCIC), so if officers come into contact with him in another state, they would know he is a missing person. He stated FPD will continue to work the case and pursue leads.

Chair Matherly stated he had a nice talk earlier in the day with Chief Ginnis about the missing persons.

Ms. Williams stated she appreciates all the updates that were given at the meeting, and she thanked City staff.

Mr. Aquino stated he will connect with Ms. Foster-Snow soon.

Chair Matherly wished everyone a Merry Christmas. He stated that this time of year can be hard for some folks, and he encouraged people to reach out to their loved ones. He stated that City staff is top notch, and he thanked everyone for the meeting.

MEETING DATES

- a) Next Regular Meeting Date, January 12, 2021 [OMA Presentation & DAP Review]

ADJOURNMENT

Mr. Dorton, seconded by **Ms. Williams**, moved to ADJOURN the meeting.

Hearing no objection, **Chair Matherly** declared the meeting ADJOURNED at 6:36 p.m.

Jim Matherly, Mayor/Chair

D. Danyielle Snider, MMC, City Clerk

Transcribed by: DS

The Open Meetings Act (OMA)

PURPOSE AND GOAL

- Transparency in government and the public process:
 - Actions be taken openly
 - Deliberations be conducted openly

Who is covered by the OMA?

- A “governmental body” of a “public entity”
- A “public entity” includes:
 - An entity of the state or of a political subdivision of the state [the City of Fairbanks], a school district and other governmental units of the state or a political subdivision of the state.
 - Does not include the court system or the **legislative branch of state government.**
- A “governmental body” is defined as:
 - An assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity;

Fairbanks Diversity Council

- The FDC is covered under the definition of a “governmental body” because it is a “council” of a public entity [the City of Fairbanks], and it has authority to advise or make recommendations to the City.

What does the OMA require?

- “All meetings of a governmental body of a public entity of the state are open to the public except as provided by this section or another provision of law.” AS 44.62.310(a).
- “Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the *date*, *time*, and *place* of the meeting . . .” AS 44.62.310(e). “The governmental body shall provide notice in a consistent fashion for all its meetings.” AS 44.62.310(e).

What is Reasonable Notice?

- How far in advance must notice be given?
 - Notice has to be reasonable based on circumstances
 - Matters of great importance may need more notice
 - A matter that requires immediate action because of an emergency may get by with less notice.
 - Internal process should be followed
 - Notice must be consistent
- What should be in the notice?
 - The date, time and place of the meeting
 - Depending on the complexity or level of controversy of the issue(s), more detail may be warranted

What is a meeting?

- A gathering of members of an advisory body is a meeting under the OMA when...
- The governmental body only has authority to advise or to make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity, **AND**
- More than three members or a majority of the members, whichever is *less*, meet at a prearranged gathering for the purpose of considering a matter upon which the governmental body is empowered to act.

Serial Meetings Prohibited

- A “polling” of members is referred to as “serial meeting”
- For example, “polling” takes place if a member contacts other members of the body, one at a time, to discuss business of the FDC
- Any time public business is being conducted outside of public scrutiny there is a danger a court may conclude that the OMA is being violated
- This includes all types of communication between members (written, telephonic, electronic, and face-to-face)

Social Gatherings

- The OMA does not apply to purely social gatherings
- Chance encounters by members of an advisory body do not constitute a meeting; however, a prearranged gathering for the purpose of any step of the deliberative process is considered a meeting
- “Off the record” conversations between members often take place during recesses or before/after meetings; members should be careful not to discuss FDC business during these types of casual conversations

Social Media

- Social media services have transformed the ability of citizens and their governments to communicate and interact.
- They have also created new challenges for governments.
- Additional guidance is needed (from the State of Alaska) so members of governmental bodies do not inadvertently violate the OMA.

Suggestions

- Avoid “friending” or “following” members on the Diversity Council;
- But if you do, refrain from commenting on posts on other members’ pages or sites [on any matter within the jurisdiction of the FDC]
- Just because you are on the FDC doesn’t mean you lose your right to free speech, but
- Courts have held that the restrictions imposed by open meetings laws do not violate the First Amendment rights of elected officials.

Helpful Resources

- The Open Meetings Act can be found online at:
<http://www.touchngo.com/lglcntr/akstats/Statutes/Title44/Chapter62/Section310.htm>
- Additional resources relating to the OMA can be found at the State's Community and Regional Affairs website:
<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk.aspx>
- Contact the City Clerk at (907) 459-6774 or by email at dsnider@fairbanks.us or the City Attorney at 459-6754 or by email at pewers@fairbanks.us.